

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY ATHENS

UNCLAS STATE 151294

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: JUDICIAL ASSISTANCE -- AVAILABILITY IN GREECE

1. ATTORNEYS IN U.S. WISH TO TAKE STATEMENTS UNDER OATH FROM PERSONS IN GREECE WHO WILL NOT WILLINGLY COOPERATE. ATTORNEYS WILL THEREFORE PREPARE LETTER ROGATORY TO SEND THROUGH EMBASSY TO GREEK JUDICIAL AUTHORITIES ASKING THEM TO COMPEL WITNESSES TO ATTEND AT DEPOSITION AND ANSWER QUESTIONS.

2. IN MOST CIVIL LAW COUNTRIES, INITIAL EXAMINATION OF WITNESS PURSUANT TO LETTER ROGATORY IS CONDUCTED BY JUDGE (EXAMINING MAGISTRATE) ON BASIS OF WRITTEN QUESTIONS ANNEXED TO LETTER ROGATORY. HOWEVER, IN MANY JURISDICTIONS SUPPLEMENTARY QUESTIONS MAY ALSO BE ASKED DIRECTLY OF WITNESSES BY AMERICAN ATTORNEYS.

3. REQUEST EMBASSY DETERMINE WHETHER AMERICAN ATTORNEYS WOULD BE ALLOWED TO EXAMINE WITNESS IN GREEK COURT IN CONNECTION WITH EXECUTION BY SUCH COURT OF LETTER ROGATORY. PLEASE ALSO DETERMINE WHETHER ALL WITNESSES TO BE EXAMINED
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WOULD HAVE TO BE NAMED IN LETTER ROGATORY (AS OPPOSED TO BEING DESCRIBED IN GENERAL TERMS E.G. "ALL THOSE PERSONS EMPLOYED BY X COMPANY DURING 1969 WHO WERE RESPONSIBLE FOR RECEIVING SHIPPING ORDERS"). IN ADDITION, PLEASE ADVISE DEPT HOW LONG IT WOULD TAKE FOR LETTER ROGATORY TO BE EXECUTED ONCE IT LEAVES EMBASSY. VANCE

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